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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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MAR 13 2001

STATE DOCUMENTS

Vol. 18

March 6, 2001

No. 09

CONTENTS

Week in Review 02

House Committee Action 08

Bills Introduced in the House This Week 13

OFFICE OF RESEARCH

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WEEK IN REVIEW

HOUSE

The House of Representatives amended H.3144 and sent the bill to the Senate. The legislation amends the State Ethics Act, making several revisions that impact **CAMPAIGN FINANCE AND LOBBYING** of the General Assembly:

- The legislation provides for new limitations on initiatives to influence the outcome of measures placed on the ballot to be voted on by the state's electors. Under this bill, the term "ballot measure committee" is defined as
 - (a) an association, club, an organization, or a group of persons which, to influence the outcome of a ballot measure, receives contributions or makes expenditures in excess of \$2,500 in the aggregate during an election cycle;
 - (b) a person, other than an individual, who, to influence the outcome of a ballot measure makes contributions aggregating at least \$50,000 during an election cycle to, or at least at the request of, a ballot measure committee; or
 - (c) a person, other than an individual, who makes independent expenditures aggregating \$2,500 or more during an election cycle.
- This bill requires a ballot measure committee, except an out-of-state committee, which receives or expends more than \$2,500 in the aggregate during an election cycle to influence the outcome of a ballot measure to file a statement of organization. The statement of organization must be filed with the State Ethics Commission no later than five days after the ballot measure committee receives the contribution or makes the expenditure. Also, this bill requires an out-of-state ballot measure committee that expends more than \$2,500 in the aggregate during an election cycle to influence the outcome of a ballot measure to file a statement of organization with the State Ethics Commission no later than five days after making the expenditure.
- H.3144 provides that a ballot measure committee may not use or permit the use of contributions solicited for or received by the ballot measure committee for any purpose other than the purpose for which the ballot measure committee was originally created; unless a person making the contribution gives written authorization for a different use other than for which it was originally intended. In cases of violations, the State Ethics Commission shall have jurisdiction to seize all funds in a ballot measure committee's account and distribute them as provided.
- This bill prohibits a political party through its party committee or legislative caucus committee from giving a candidate contributions which total in the

Legislative Update, March 6, 2001

aggregate more than (1) \$50,000 in the case of a candidate for a statewide office; and (2) \$5,000 in the case of a candidate for any other office. The recipient of a contribution given in violation of this legislation may not keep the contribution and must, within 10 days, remit the contribution to the Children's Trust Fund.

- This bill eliminates the requirement that campaign reports must be sent to the State Election Commission; also, the bill eliminates the State Election Commission as the location for public availability of certified campaign reports. Additionally, this bill substitutes the State Ethics Commission for the State Election Commission as the agency responsible for determining errors or omissions on campaign reports.
- Notwithstanding any other reporting requirements, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which total in the aggregate more than \$500. The term "anything of value" includes contributions which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. The bill requires a political party to comply with other reporting requirements in the same manner as a candidate or committee.
- For purposes of determining who has to file disclosure reports, this bill expands the definition of the term "influence the outcome of an elective office" so as to include express words advocating the election or defeat of candidates [i.e. "vote for" "elect" "defeat."] The House approved an amendment that further expands the definition of "influence the outcome of an elective office" so as to also include communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate. This include slogans or wording similar to "Smith's the One," "Jones 2000," "Smith/Jones," "Jones!" or "Smith-A man for the People!"
- This bill extends the deadline in which lobbyists and lobbyist principals must report any lobbying activity not reflected on the October tenth report and not reported on a statement of termination from December thirty-first to January tenth of the succeeding year. Additionally, this bill extends the deadline for submission of each state agency or state department's lobbying during a particular filing period from the first of the month to the tenth of the month. Under the bill, the filing periods are from January first to March thirty-first for the April tenth report and from April first to September thirtieth for the October tenth report. The bill further provides that any lobbying activity not reflected on the October tenth report and not on a statement of termination must not be reported any later than January tenth of the succeeding year.
- If required reports are not filed within five days of due date, current law provides that an individual (1) must pay a \$100 penalty, and (2) must pay a fine of \$10 for each calendar day in which the required statement is not

Legislative Update, March 6, 2001

filed. Additionally, current law provides that the \$10 daily fine may not exceed \$500; this bill eliminates the \$500 cap on civil penalties for failure to file required reports.

- Also, this bill creates a new penalty for failure to file required reports or other reporting violations. Current law provides for a penalty of not less than \$5,000, or imprisonment for not more than five years, or both. In addition to current law, **H.3144** adds a fine of up to 500% of the amount that should have been reported.
- The bill provides that invitations may be extended at national and regional conventions and conferences by lobbyist principals to all members of the General Assembly in attendance.
- This bill provides the House and Senate Ethics Committees with jurisdiction to impose penalties against legislative caucus committees that violate ethics laws.
- The House approved an amendment to the bill so as to provide that if the Attorney General, after request by the State or any of its political subdivisions, refuses to defend an action brought in a court of competent jurisdiction challenging any provision of the Ethics, Government Accountability, and Campaign Reform Act, the Budget and Control Board, using funds appropriated to it, must defend the action brought against the State or its political subdivision.
- The House approved an amendment to **H.3144** so as to include a severability clause which provides that, should some portions of the legislation be found unconstitutional, the remainder of the legislation would remain intact and in force.

The House amended, approved, and sent to the Senate **H.3174**, which establishes **"SOUTH CAROLINA HOME SCHOOL AWARENESS WEEK,"** in recognition of the South Carolina families who educate their children at home as provided by law. The bill provides that "South Carolina Home School Awareness Week" is to be observed each year the first full week in October. The bill provides that, during this week, all home school students in this State and the parents or guardians who serve as their teachers shall be provided the same admission opportunities to any educational facilities owned by or under the control of the State or any state agency, department, or institution as are provided to public or private school students and their teachers. Educational facilities (not including public school facilities) owned or under the control of a local political subdivision or entity also shall provide the same admission opportunities as are provided to public or private school students and their teachers.

The House amended, approved, and sent to the Senate **H.3146**, which provides for **SPECIAL PENALTIES FOR COMMERCIAL DRIVERS VIOLATING SPEED LIMITS** established in zones where the posted maximum speed limit is at least fifty-five

miles per hour. The bill provides that an individual who violates speed limits in such zones while driving a commercial vehicle is guilty of a misdemeanor and, upon conviction for a first offense, must be fined as follows: (1) in excess of the posted limit but not in excess of ten miles an hour by a fine of not less than twenty dollars nor more than thirty-five dollars; (2) in excess of ten miles an hour but less than fifteen miles an hour above the posted limit by a fine of not less than thirty-five dollars nor more than seventy-five dollars; (3) not less than fifteen miles an hour but less than twenty miles an hour above the posted limit by a fine of not less than seventy-five dollars nor more than one hundred twenty-five dollars; and (4) not less than twenty miles an hour above the posted limit by a fine of not less than one hundred twenty-five dollars nor more than three hundred dollars or imprisoned for not more than thirty days, and lose his privilege to drive for six months. These penalties are in lieu of any other penalties imposed upon a driver of a commercial motor vehicle exceeding the speed limit in a zone where the maximum speed limit is fifty-five miles an hour. The bill provides that, within sixty days of the signature by the Governor, these penalties and fines must be posted at the zero-mile point where all U. S. highways and interstate highways enter the State and at the intersection of interstate highways within the State. Of amounts credited to the general fund of the state from assessments imposed on these fines, the first fifty thousand dollars must be used to reimburse the Department of Transportation for the signage required by this subsection. Thereafter, the balance of these assessments credited to the general fund of the state must be used for the operations of the transport police.

The House amended, approved, and sent to the Senate **H.3131** which revises the **STATUTE OF LIMITATIONS FOR COMMENCING ACTIONS ON CERTAIN OFFENSES**. The bill increases the statute of limitations for commencing an action for assault and battery from two to three years. As amended, the bill provides that an action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later. The bill also provides that parental immunity is not a defense against claims based on sexual abuse or incest that occurred before, on, or after the effective date of this legislation. Notwithstanding any other provision of law, a person who before this legislation's effective date filed an action to recover damages for injury arising out of sexual abuse or incest which was barred for failure to bring the action within the time required by the statute of limitations in effect at that time has three years from this legislation's effective date to bring an action based on that abuse or incest subject to the new statute of limitations

The House approved and sent to the Senate **H.3634**, a bill that provides that **BEACH MUSIC** is designated as the official state popular music of South Carolina

The House amended, approved, and sent to the Senate **H.3160**, a bill pertaining to the **APPOINTMENT OF INTERPRETERS IN CRIMINAL PROCEEDINGS**. This bill revises the circumstances upon which an interpreter is appointed in a criminal proceeding. Under this bill, whenever a principal party in interest or witness to a

civil legal proceeding does not sufficiently understand or speak the English language to comprehend the proceeding or testify, the appointing authority must appoint a certified or otherwise qualified interpreter to interpret the proceedings to the principal party in interest and the testimony of the witness. The term "appointing authority" means a trial judge, administrative hearing officer, or another officer authorized by law to conduct a judicial or quasi-judicial proceeding. Additionally, the bill requires the Division of Court Administration to appoint a Court Interpreters Advisory Panel to assist the State Supreme Court and the Division of Court Administration in developing policies that include a code of professional responsibility for interpreters, interpreter training, continuing education, and recruitment of interpreters.

The House approved and sent to the Senate **H.3492**. This bill relates to **PROVISIONAL DRIVERS' LICENSES ISSUED TO PERSONS CONVICTED OF A FIRST OFFENSE OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE**. Currently, the fee for obtaining a provisional driver's license is five dollars; this bill increases that fee to one hundred dollars. Also, the bill provides that ninety-five dollars of the collected fee must be credited to the General Fund of the State for the use of the Department of Public Safety in the hiring and training of additional members of the South Carolina Highway Patrol.

The House approved and sent to the Senate **H.3451**, a bill that provides that light duty **CONSUMER RENTAL TRUCKS** are subject to the same administrative regulations and tax requirements as private passenger rental automobiles. Under the bill, companies renting light duty consumer rental trucks are required to collect on their rental contracts the five percent surcharge that is collected for other private passenger automobile rentals.

The House approved and sent to the Senate **H.3263**, a bill revising several provisions pertaining to **CONTRACTORS**. This bill specifies that it is unlawful to engage in construction under a name other than the *exact* name, which appears on one's license. The bill provides that this restriction applies to marketing, advertising, using site signs, and submitting contracts. The requirement does not include advertising on vehicles, which may use an abbreviated version of the license name so long as the advertising is not misleading. The bill provides that anyone who enters into a contract to engage in construction in a name other than the one that appears on his license may not bring an action, either at law or in equity, to enforce the provisions of the contract. The bill also removes "glass" and "glazing" from the list of activities included under the subclassification of "interior renovation," and instead adds a new definition of "glass and glazing" as a subclassification of "general contractor specialty." The Contractors' Licensing Board determines whether an examination is required for licensure under the new subclassification. The bill provides for an exemption under which certain existing entities who have been performing a certain amount of glazing and glass work may be licensed with an examination for a limited two-year period.

The House approved and sent to the Senate **H.3303**, a bill ratifying the **LOTTERY AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION** approved by voters at

the general election of 2000. The amendment eliminates the State constitution's prohibition on lotteries, their advertising, and ticket sales, and provides that lotteries may be conducted only by the State. Under the amendment, the revenue derived from the lotteries must first be used to pay all operating expenses and prizes for the lotteries. The remaining lottery revenues must be credited to a separate fund in the state treasury, the 'Education Lottery Account', and the earnings on this account must be credited to it. Education Lottery Account proceeds may be used only for education purposes as the General Assembly provides by law.

The House amended, approved, and sent to the Senate **H.3379**. This joint resolution creates and provides for the membership of the **NEWBORN EYE SCREENING TASK FORCE** to study the screening of ocular diseases and abnormalities in newborn children. The study should include review of currently required ocular screenings of newborns, if any, identification of the most prevalent ocular diseases and abnormalities in newborns, and the effectiveness costs, and funding of screening for these diseases and abnormalities. The task force shall submit its report and recommendations to the Governor and General Assembly before January 1, 2002 at which time the task force is abolished.

The House approved and sent to the Senate **H.3103**, as amended. **H.3103** provides for **LIMITS ON TREATMENT OF OUT-OF-STATE SEWAGE**. This bill revises laws that authorize governmental entities to operate or contract for sewage collection, disposal, and treatment so as to provide that a contract shall not contain a provision that more than ten percent of the sewage treated by the sewer facilities may be generated from outside the boundaries of the state. The House approved an amendment to the bill that provides that a private entity providing water and/or sewer services and facilities may not under any circumstances treat sewage generated from outside the boundaries of this State if this sewage accounts for more than ten percent of the sewage treated by the facility.

SENATE

S.187 was approved by the Senate and sent to the House. This bill relates to the use of a **CHILD PASSENGER RESTRAINT SYSTEM** in a motor vehicle that transports a child under the age of six years. Under this bill, a child from birth to twenty pounds and one year of age must be properly secured in a rear facing child safety seat. A child who is between twenty pounds and one year of age to forty pounds and age four must be secured in a forward facing child safety seat. The bill further provides that a child up to six years of age who is between forty and eighty pounds must be secured by a belt-positioning booster seat. The belt positioning booster seat must be used with both lap and shoulder belts; a booster seat cannot be used with a lap belt alone. If a child up to the age of six years is over eighty pounds, the child may be restrained in an adult seat belt. If a child under the age of six years can sit with his/her back straight against the vehicle seat back cushion, with her/her knees bent over the vehicle's seat edge without slouching, the child may be moved

out of the booster seat into the regular back seat and secured by the adult seat belt.

The Senate also approved and sent to the House **S.135**, a bill pertaining to **PSYCHOTHERAPISTS, ALCOHOL AND DRUG ABUSE COUNSELORS, AND CERTAIN CONFIDANTS**. This bill provides that it is unlawful for any psychotherapist, alcohol and drug abuse counselor, or confidant to engage in sexual contact with a patient if (1) the patient is currently under the care or supervision of the psychotherapist, alcohol and drug abuse counselor, or confidant or (2) the patient was under the care or supervision of the psychotherapist, alcohol and drug abuse counselor, or confidant within the last three years, and the sexual contact occurred by means of therapeutic deception. Under the bill, sexual contact with a patient is a felony punishable by imprisonment for not more than ten years. Sexual battery with a patient is a felony punishable for not more than thirty years. The bill further provides that consent of the patient is not a defense.

The Senate adopted and sent to the House **S.387**. This is a concurrent resolution to memorialize congress to appropriate and fund the 5.7 billion dollars pledged by President George W. Bush to increase the pay and improve the quality of life of the brave men and women who volunteer and serve in the **ARMED FORCES** of the United States, together with all sums necessary to modernize, insure maximum readiness, and enable the armed services of the United States to meet the modern warfare and terrorist challenges of the twenty-first century.

The Senate adopted and returned to the House **H.3518**. This concurrent resolution declares the month of May 2001 as "**SOUTH CAROLINA HIGHWAY SAFETY MONTH.**"

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The Judiciary Committee gave a favorable report to **H.3492**. This bill relates to **PROVISIONAL DRIVERS' LICENSES ISSUED TO PERSONS CONVICTED OF A FIRST OFFENSE OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE**. For a summary of this bill as it was passed by the House, please see the House Floor portion of this week's Legislative Update.

H.3141, the "**SOUTH CAROLINA TRUTH IN SENTENCING ACT**," received a favorable recommendation with amendment from the Judiciary Committee. Under this bill, a prisoner convicted of a crime and sentenced to the Department of Corrections is not eligible for early release, discharge, or community supervision until the prisoner has served 85% of the actual term of imprisonment imposed. This bill phases out parole, and offenders who commit their crimes after the effective date of this bill will not be eligible for parole release.

Act 83 of 1995 provided Truth in Sentencing for only those offenses with maximum possible penalties of twenty years or more. **H.3141**, as it was introduced, extends the provisions of Truth in Sentencing to all crimes except those punishable by imprisonment in local correctional facilities for ninety days or less. Under the Judiciary Committee's proposed amendment, the bill would not apply to a sentence imposed pursuant to the Youthful Offender Act or a sentence involving the shock Incarceration Program.

H.3141, as it was introduced, required the Department of Corrections to notify the victims, trial judge, solicitor, and sheriff of the county or the law enforcement agency of the jurisdiction where the offense occurred before releasing inmates on work release. Under the Judiciary Committee's proposed amendment, the Department of Corrections must make reasonable efforts to notify these individuals.

The introduced version of **H.3141** had several provisions relating to the categorization of felonies and misdemeanors. The Judiciary Committee's proposed amendment deletes the provisions pertaining to the categorization of felonies and misdemeanors.

Under current law, if the court determines that a prisoner has wilfully violated a term or condition of the community supervision program, the court may impose any other terms or conditions considered appropriate and may continue the prisoner on community supervision, or the court may revoke the prisoner's community supervision and impose a sentence up to one year for violation of the community supervision program. Under the Judiciary Committee's proposed amendment to **H.3141**, the court may not impose a period of incarceration exceeding the length of time remaining on the original sentence.

Under the introduced version of **H.3141**, a Criminal Justice Commission composed of fourteen members was established. The Judiciary Committee's proposed amendment to the bill increases the number of commission members from fourteen to nineteen.

H.3212 was recommitted to the Election Laws Subcommittee. This bill requires a **REFERENDUM ON THE QUESTION OF RAISING THE BONDED INDEBTEDNESS LIMIT OF A POLITICAL SUBDIVISION OR SCHOOL DISTRICT**. The referendum must be held at the general election, and the question must be certified to the appropriate election commission at least forty-five days before the date of the general election.

The Judiciary Committee did not give a favorable recommendation to **H.3452**, relating to **COMMON LAW MARRIAGES**. This bill provides that common law marriage is not valid in the state after July 1, 2001. The bill further provides that otherwise valid common law marriages entered into before July 1, 2001 will continue to be recognized in the state. This bill repeals *South Carolina Code of Laws* §20-1-360 relating to the validity of a marriage contracted without the issuance of a license.

H.3160, pertaining to **INTERPRETERS FOR CRIMINAL AND CIVIL PROCEEDINGS**, received a favorable report with amendment from the Judiciary Committee. Additionally, the full House amended, approved, and sent the bill to the Senate this past week. For a summary of this bill as it was passed by the House, please see the House Floor portion of this week's Legislative Update.

H.3425, relating to the **FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT**, received a favorable recommendation with amendment from the Judiciary Committee. The federal Emergency Planning And Community Right-To-Know Act (EPCRA) is a program with two main goals: (1) to facilitate and promote planning for chemical emergencies at the state and local levels, and (2) to provide information to the public about the chemicals used, stored, and released in their communities. This bill as it was introduced authorized the Department of Health and Environmental Control to implement and enforce the EPCRA and its subsequent amendments. Under the introduced version of this bill, the federal law would be the law of this State. The Judiciary Committee's proposed amendment is a strike-all amendment; therefore, the amendment would become the actual text of the bill.

Under the Judiciary Committee's proposed amendment to **H.3425**, the provisions of the EPCRA are incorporated by reference as the law of this State, except that for purposes of South Carolina law, the following is added: An owner operator of a facility receiving hazardous chemicals under the Occupational Safety and Health Act of 1970, and regulations promulgated under that act, for which no previous material safety data sheets have been reported, as otherwise required under this act, shall provide material safety data sheets within three business days after receiving these hazardous chemicals on site. The material safety data sheets may be sent by personal delivery, by mail, by electronic mail, or by fax. Material safety data sheets sent by mail are considered received as of the postmark date.

H.3309 received a favorable report with amendment from the Judiciary Committee. This bill enacts the **SOUTH CAROLINA CAMPUS SEXUAL ASSAULT INFORMATION ACT**. The introduced version of this bill required institutions of higher learning in

this State to develop, publish, and implement policies and practices to promote prevention, awareness, and remedies for campus sexual assault. Under the Judiciary Committee's proposed amendment, the provisions of the bill only apply to private schools that elect to be governed by this legislation. The bill specifies areas that must be addressed in the policy, including education programs to promote prevention and awareness of sexual assault, possible sanctions following an institution's disciplinary procedure in the event of sexual assault, and procedures a student follows if a sexual assault occurs.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, February 27, and reported out several bills. The Committee gave a favorable report on H.3439, a bill pertaining to the **SOUTH CAROLINA PORTS AUTHORITY BOARD**. This bill provides that a person may not be appointed to, or continue to serve as a member of, the South Carolina Ports Authority Board who is or becomes a member, associate, representative, or employee of a labor union if the principal activities of the union are ports-related.

The Committee gave a favorable report on H.3451, a bill that provides that light duty **CONSUMER RENTAL TRUCKS** are subject to the same administrative regulations and tax requirements as private passenger rental automobiles. Under the bill, companies renting light duty consumer rental trucks are required to collect on their rental contracts the five percent surcharge that is collected for other private passenger automobile rentals. This bill was approved by the House and sent to the Senate this week (See House Week in Review, this issue).

The Committee gave a favorable report on H.3263, a bill revising several provisions pertaining to **CONTRACTORS**. This bill specifies that it is unlawful to engage in construction under a name other than the *exact* name, which appears on one's license. The bill provides that this restriction applies to marketing, advertising, using site signs, and submitting contracts. The requirement does not include advertising on vehicles, which may use an abbreviated version of the license name so long as the advertising is not misleading. The bill provides that anyone who enters into a contract to engage in construction in a name other than the one that appears on his license may not bring an action, either at law or in equity, to enforce the provisions of the contract. The bill also removes "glass" and "glazing" from the list of activities included under the subclassification of "interior renovation," and instead adds a new definition of "glass and glazing" as a subclassification of "general contractor specialty." The Contractors' Licensing Board determines whether an examination is required for licensure under the new subclassification. The bill provides for an exemption under which certain existing entities who have been performing a certain amount of glazing and glass work may be licensed with an examination for a limited two-year period. This bill was approved by the House and sent to the Senate this week (See House Week in Review, this issue).

The Committee recommitted **H.3515** to the Banking and Consumer Affairs Subcommittee. This bill pertains to the **FUNERAL HOME** industry.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee reported out three bills this week, including a **\$381 MILLION BOND BILL**.

MAJOR ITEMS FUNDED BY THE COMMITTEE IN THE BOND BILL INCLUDE, BUT ARE NOT LIMITED TO:

- \$31.9 million for public education (includes \$20 million for school buses);
- \$226.2 million for construction, renovation, and maintenance projects at higher education institutions, including TEC schools;
- \$10 million for the State Farmer's Market;
- \$33.6 million to the Department of Commerce for various local projects (this amount also includes \$16 million for the Coordinating Council);
- \$5.2 million to the State Ports Authority for Charleston Harbor dredging;
- \$9.8 million to the Department of Corrections for general renovations and repair;
- \$15.6 million to the Department of Juvenile Justice for female evaluation and commitment facilities, detention centers and infrastructure upgrade, central support facilities upgrades and Northeast Center;
- \$6.9 million for SLED forensic laboratory;
- \$8 million to the Department of Parks, Recreation, and Tourism for Charles Towne Landing State Park;

The Committee reported favorable on **H.3633**. This bill provides that a **DELINQUENT TAX SALE FOR THE PURPOSE OF COLLECTING MUNICIPAL TAXES** and held in conjunction with a delinquent tax sale for the purpose of collecting county taxes may take place at the public place in the county that is designated by the county.

The Committee reported favorable with amendment on **H.3542**. **AS INTRODUCED**, this joint resolution provides that **LAPSED FUNDS OF THE DEPARTMENT OF EDUCATION, INCLUDING UNEXPENDED APPROPRIATED FUNDS OR REVENUE IN EXCESS OF APPROPRIATIONS IN THE EDUCATION IMPROVEMENT ACT** for fiscal year 2000-01 and prior years **MUST BE USED IN THE FOLLOWING MANNER**, in priority order: to offset an official EIA revenue shortfall declared by the Board of Economic Advisors; to fund any school district's appropriation deficit in EIA teacher salary supplement, teacher salary supplement fringe, or National Board Certification Incentives. The bill provides that the remaining lapsed funds must be used in accordance with *S.C. Code of Laws* §59-21-420, relating to funds for renovation, capital improvements, or repair of classrooms, etc., or reduction of millage as to bonds. The bill also provides that in the event an official EIA revenue shortfall is declared, funds appropriated for EIA teacher salaries and related fringe benefits in the 2000-01 general appropriations act are exempt from any reduction required to offset the shortfall.

The Committee amended this resolution by specifying that **THE PROVISIONS OF THE RESOLUTION APPLY ONLY TO LAPSED EDUCATION IMPROVEMENT ACT FUNDS**.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3642 *NONNATIVE AQUATIC SPECIES PERMITS* Rep. Witherspoon

This bill makes revisions regarding the special permits issued by the Department of Natural Resources for importing piranha, freshwater electric eels, walking catfish, sea lampreys and other specified nonnative fish for research purposes. The bill provides that such permits may also be issued to fulfill an educational purpose. The bill provides that the department must condition all such permits to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State.

EDUCATION AND PUBLIC WORKS

H.3639 *STUDENT LOAN PROGRAM FOR NATIONAL GUARD* Rep. Wilkins

Effective July 1, 2001, this bill transfers duties and responsibilities for development and management of the existing National Guard student loan program to the State Commission on Higher Education, in consultation with the staff of the S.C. Student Loan Corporation. This program, offered as an enlistment or retention incentive for service in the National Guard in areas of critical need, is currently managed by the State Adjutant General, in consultation with the S.C. Student Loan Corporation.

H.3643 MODEL SCHOOL BUILDING PLANS Rep. Law

This bill directs the State Department of Education (the Department) to have architects who are experienced in school building and construction, prepare five different model school building plans for elementary, middle, and high schools. The bill requires the Department to make these plans available to school districts which are undertaking new school building construction (excluding renovations or additions), and provides that districts must use one of these plans unless the district shows good cause and the Department grants a waiver.

H.3651 LENGTH OF SCHOOL YEAR Rep. Loftis

This bill prohibits public schools and school districts from beginning the statutory 180-day period of student instruction until after Labor Day. The bill does not apply to public schools that operate year-round or have an irregular term.

JUDICIARY

H.3631 MEETINGS OF THE MINORITY AFFAIRS COMMISSION

Rep. J.H. Neal

Current law requires the Minority Affairs Commission to meet at least monthly to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State. Under this bill, the commission would meet quarterly and at other times as the chairman determines necessary.

H.3632 "ADULT AND JUVENILE DRUG TREATMENT COURT ACT OF 2001"

Rep. Wilkins

Drug treatment programs allow solicitors, within the exercise of their discretion, to permit consenting defendants to complete long-term, intensive treatment, closely monitored by frequent drug screens and judicial oversight, as a condition of probation or as an alternative to traditional prosecution. Participation in a drug treatment program is strictly voluntary, and nothing contained in this legislation confers a right or an expectation of a right to treatment for an offender within the criminal and juvenile justice systems. The bill outlines standards and procedures for these programs. The bill further outlines requirements for drug treatment court judges.

This bill provides that each judicial circuit will have drug treatment court programs, subject to the availability of funds. Existing drug treatment court programs will serve as mentors and models for programs that are being developed. A circuit solicitor who receives state funding for the implementation of a drug treatment program must establish at least one adult drug treatment court and one juvenile drug treatment court in the circuit so that eligible persons within that circuit are permitted to apply for admission. The bill requires a circuit solicitor who establishes a drug treatment court to form at least one local drug treatment court advisory committee for the circuit; the bill also allows the circuit solicitor to form local advisory committees for each county in the circuit that establishes a drug treatment court program.

The bill establishes the state drug treatment office within the South Carolina Prosecution Coordination Commission. Also, the bill establishes the state drug treatment court advisory committee to develop and periodically update proposed statewide evaluation plans and models for monitoring all critical aspects of drug treatment court programs. The bill also establishes the drug treatment court fund as an account separate from the general fund of the state. Disbursements from this fund will be used to pay a variety of expenses related to drug treatment court.

H.3641 A COASTAL MUNICIPALITY'S CRIMINAL JURISDICTION Rep. Edge

Under this bill, the police department of a municipality which is bounded by the Atlantic Ocean to the east and which is completely surrounded on the remaining boundaries by another municipality exercises concurrent criminal jurisdiction with the surrounding municipality's police department along the portion of any United States highway passing through the surrounded municipality.

H.3650 ADVISORY SENTENCING GUIDELINES Rep. Wilkins

This bill establishes Advisory Sentencing Guidelines for all offenses with maximum possible penalties of one year or more. Guidelines weigh the seriousness of the current offense with the offender's prior record to determine an appropriate sentence. Generally, the guidelines recommend longer prison sentences for more serious and violent offenders while recommending community punishments for less serious offenders. There is a severability provision in the event any portion of the bill is found to be unconstitutional.

H.3652 FILING FEE FOR A GRIEVANCE FILED FOR ADMINISTRATIVE REVIEW BEFORE THE SOUTH CAROLINA PROCUREMENT REVIEW PANEL Rep. Kelley

This bill imposes a nonrefundable filing fee of two hundred fifty dollars for a grievance filed for administrative review before the South Carolina Procurement Review Panel. If a party desiring to file a grievance is unable to pay the fee because of a hardship, the party may submit to the panel a notarized affidavit noting the hardship grounds and the panel, after reviewing the affidavit, may determine that a hardship exists and waive this filing fee. The revenues of the filing fee may be retained by the panel and used for the expenses of its operations. Unexpended revenues of this fee are carried forward to the succeeding fiscal year and must be used for the same purpose.

LABOR, COMMERCE, AND INDUSTRY

H.3657 GIFT CERTIFICATES AND FORFEITED RESERVATION DEPOSITS
Rep. Cato

This bill revises the Uniform Unclaimed Property Act so as to remove "gift certificates" from the definition of "intangible property." The bill revises the provision under which gift certificates and credit memos are presumed abandoned when not claimed within five years, so as to remove gift certificates from this presumption of being abandoned. The bill also provides that the Uniform Unclaimed Property Act does not apply to forfeited reservation deposits.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3644 VETERANS STUDY COMMITTEE Rep. Breeland

This joint resolution creates and establishes membership for a Committee to Study Certain Issues Affecting Veterans. The committee is charged with studying: (a) the advisability and feasibility of constructing a fourth state veterans' nursing home in South Carolina, particularly in the lower part of the State; (b) veterans' access to existing nursing facilities and adult daycare facilities and the availability of these facilities to veterans who may be in need of them; (c) the ways in which the State should proceed to generate maximum use of state tax revenue for the benefit of veterans; and (d) the projected growth of the veteran population in South Carolina during the next twenty years. The report shall be presented to both houses of the General Assembly and to the Governor not later than June 1, 2002, after which time the committee is dissolved.

H.3649 EPILEPSY Rep. J. Brown

This bill revises the chapter of the code relating to persons with mental retardation, related disabilities, head injuries, and spinal cord injuries so as to make these laws also apply to persons with epilepsy.

H.3654 LIABILITY INSURANCE FOR BEAUTY SALONS AND SCHOOLS

Rep. J. Brown

This bill provides that to obtain licensure and renewal of licensure, beauty salons and beauty schools shall submit, in the manner prescribed by the State Board of Cosmetology, proof of liability insurance of at least one hundred thousand dollars.

WAYS AND MEANS

H.3633 DELINQUENT TAX SALES Rep. D.C. Smith

This bill provides that a delinquent tax sale for the purpose of collecting municipal taxes and held in conjunction with a delinquent tax sale for the purpose of collecting county taxes may take place at the public place in the county that is designated by the county.

H.3640 DISTRIBUTION OF GASOLINE TAX REVENUE Rep. Rice

Currently, all earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties in the ratio that the county's annual distribution is of the total of these distributions statewide, and these distributions of earnings and the calculation required to determine the appropriate amount do not include those counties administering their own "C" funds. This bill revises this provision by providing that these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own "C" funds except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own "C" funds.

Legislative Update, March 6, 2001

The bill increases from one thousand dollars to two thousand dollars, the amount that a county transportation committee may expend from these funds for reasonable administrative expenses.

The bill also clarifies that the Department of Transportation administers all funds expended on the state highway system and revises the activities which may be funded by the 75% share of the "C" construction funds which are expended at the discretion of the county transportation committee. The bill deletes the current requirement that roads constructed of rock must consist of not less than one inch nor more than two and one half inches of rock or its equivalent.

The bill also revises current documentation and reporting requirements when a county's funds are used to issue county bonds or state highway bonds, to pay directly for appropriate highway projects, or match federal funds. Currently, these requirements apply only to counties which withdraw "C" funds from the State Treasurer's Office. This bill provides that these requirements apply only to counties "administering their own "C" funds."

Currently, in expending these funds, counties that provide for engineering, contracting, and project supervision must use a procurement system which requires competitive sealed bids and public advertisement of all projects. This bill amends this requirement so as to provide that counties that administer their own "C" funds shall use a procurement system which requires competitive sealed bids, no bid preferences, and public advertisement of all projects.

The bill provides that the Department of Transportation shall enforce specified provisions relating to: expenditures on the state highway system for construction, improvements, and maintenance; use of these funds to issue county bonds or state highway bonds, pay directly for appropriate highway projects, and match federal funds for appropriate highway projects; countywide and regional transportation plans and the adoption of specifications for local road projects; and use of procurement systems by counties that administer their own "C" funds. The bill provides that a county failing to comply with these provisions must have all subsequent "C" fund allocations withheld until the requirements of those provisions are met. The bill further provides that if a county fails to comply with these provisions within twenty-four months, the county forfeits its allocations for the following year and those allocations must be divided among other counties.

H.3653 S.C. RESEARCH AUTHORITY Rep. Campsen

This bill deletes the requirement that the principal office of the S.C. Research Authority (the Authority) must be located in Columbia. The bill also transfers from the board of the Authority to the chairman of the board the determination for time and location of regular Authority board meetings, and transfers determination of time and location for the Authority's advisory board meetings from the Authority board to the advisory board chair.

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LEGISLATIVE UPDATE

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